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TAMSEN VALOIR, PH.D.
BAKER & MCKENZIE LLP
PENNZOIL PLACE, SOUTH TOWER
711 LOUISIANA, SUITE 3400
HOUSTON TX 77002-2746

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OFFICE OF PETITIONS

In re Application of	:	
Scurati et al.	:	
Application No. 10/663,286	:	DECISION ON PETITION UNDER
Filed: May 24, 2001	:	37 CFR 1.78(a)(3) & 1.55(c)
Attorney Docket No. 24772-10602	:	

This is a decision on the AMENDED PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 37 CFR 1.78(a)(3) AND 37 CFR 1.55(c) filed April 25, 2007. Applicants petition to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to prior-filed application No. 09/545,260 and under 35 U.S.C. § 119(a)-(d) for the benefit of prior-filed foreign application No. 99830206.1. Both claims are set forth in the amendment filed April 25, 2007. The foreign claim is also set forth in the declaration filed January 8, 2007.

As to the benefit claim under 37 CFR 1.78(a)(3):

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

A reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

As to the benefit claim under 37 CFR 1.55(c):

The petition is GRANTED.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) the nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

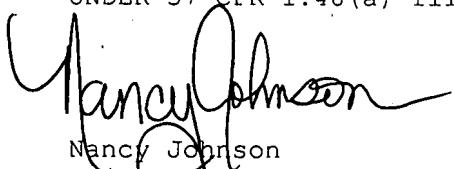
The instant application was filed on September 16, 2003 and is currently pending. The petition includes an amendment submitting the claim and the foreign application is properly identified therein. Furthermore, the declaration filed January 8, 2007 includes identification of the foreign priority claim by application number, country and filing date. The petition includes payment of the surcharge. The instant application claims priority to nonprovisional application No. 09/545,260 ('260 application), and was filed on September 16, 2003, before the '260 application issued into a patent. The intermediate '260 application was filed within 12 months of the filing date of the foreign application No. 99830206.1. All requirements being met, the late claim for priority under 35 U.S.C. § 119(a)-(d) is accepted as unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) and 35 U.S.C. § 119(a)-(d) and 37 CFR 1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2618 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. §§ 120 and 119(a)-(d) to the prior-filed applications. The application is also being referred to the Technology Center Art Unit for consideration by a primary examiner of the REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(a) filed January 8, 2007.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/663,286	09/16/2003	1744	2280	31175803-004001	53	5

CONFIRMATION NO. 3225

52356
TAMSEN VALOIR, PH.D.
BAKER & MCKENZIE LLP
PENNZOIL PLACE, SOUTH TOWER
711 LOUISIANA, SUITE 3400
HOUSTON, TX77002-2746

CORRECTED FILING RECEIPT

Date Mailed: 04/27/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Mario Scurati, Milano, ITALY;
Ubaldo Mastromatteo, Bareggio, ITALY;
Michele Palmieri, Agrate Brianza, ITALY;
Gabriele Barlocchi, Cornaredo, ITALY;
Flavio Villa, Milano, ITALY;

Assignment For Published Patent Application

STMicroelectronics S.r.l., Agrate Brianza, ITALY

Power of Attorney: The patent practitioners associated with Customer Number 52356

Domestic Priority data as claimed by applicant

This application is a DIV of 09/545,260 04/07/2000 PAT 6,670,257

Foreign Applications

ITALY TO2002A 000808 09/17/2002
EUROPEAN PATENT OFFICE (EPO) 99830206.1 04/09/1999

If Required, Foreign Filing License Granted: 12/09/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/663,286**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Integrated device for biological analyses

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).